

United States Bankruptcy Court
Eastern District of Missouri

**Chapter 13 Bankruptcy Seminar
February 23, 2007**

1. Implementation Order Changes

- a. new form plan with new provision for payment of attorney fees (effective Jan. 1, 2007) **(Attached to Implementation Order)**
- b. mandatory use of Consent Order and Stipulation in Settlement of Motion for Relief (effective Jan. 1, 2007) **(Attached to Implementation Order)**
- c. Trustee objections to confirmation if debtor not entitled to discharge (effective Jan. 1, 2007)
- d. new rules governing time for debtors to submit payment advices and taxes to ch 7 and 13 trustees (effective Mar. 1, 2007). The Court will enforce the 45 day deadline of § 521(i) for payment advices and will enforce the 7 calendar day deadline of § 521(e)(2) for taxes. **(See revised Implementation Order ¶¶ 6, 16)**

2. New Subpoena Forms

Official form changed effective Jan. 1, 2007. However, the date on the form is 12/06, which corresponds with the 12-1-06 date of the rule changes reflected in the form. The revised forms are available on the Official Forms link on the Court's website for forms B254 (Subpoena for 2004 Exam), B255 (Subpoena in an Adversary), and B256 (Subpoena in a Case). The .pdf, .wpd and .doc versions of our Local Form 23A, 23B and 23C Subpoena forms be removed from the lists of Local Forms on our website and replaced with a link to these new Official Forms. Our local forms were identical to the previous B254, 255 and 256 Official Forms except for footers adopting them as local forms. **(Copy of the B254 form attached - Attachment #1)**

3. Changes to Discovery Rules

Fed. R. Civ. P. 16 (pretrial conferences), 26 (duty of disclosure), 33 (interrogatories), 34 (production of documents, including business records), 37 (failure to disclose/sanctions), 45 (subpoena), & Form 35 (report of planned meeting) changed 12/1/06 to address production of electronically stored information. No changes were required to the Court's Local Rules.

4. Domestic Support Obligations in Chapter 13 Cases

Reminder: to receive a discharge, the debtor must certify that all domestic support obligations have been met or do not exist. The Clerk's Office will send a notice near the end of the case to remind the debtor. Failure to certify may result in closing the case without a discharge. Paragraph 26 of the Implementation Order effective Jan. 1, 2007 gives the debtor 20 days (previously only 10 days) from the date of the Court's notice to file the DSO certification. Along with its notice, the Court will send a certification form for each debtor to complete and file as a condition for discharge. Every debtor must certify either (1) that the debtor is current on DSO payments or (2) that the debtor did not owe any DSO payments. **(Sample Notice and Certification Form attached - Attachment #2).**

5. New Event for Negative Notice Motions

A new event in CM/ECF titled "Certification of No Response and Request for Dismissal" should be used when a motion to dismiss is filed on negative notice and no response is received. The Judges' Order mailbox should no longer be used to submit the certification.